REMARKS

The Examiner rejected claim 1 under 35 U.S. C. § 103(a) as being unpatentable over Ji in view of Trotta. Applicant respectfully traverses the rejection.

Claim 1 is directed to a base station controller system that is connected to a core network. The base station controller system has a system controller that configures a switching fabric to selectively allocate one or more of the resources to communicatively connect wireless access terminals with the core network. Such selective resource allocation facilitates the establishment of call-processing flows through the base station controller (e.g., during call establishment procedures).

Ji does not teach or suggest a base station controller system having the system controller of claim 1. Rather, Ji discloses a base transceiver station (BTS) having a failure detection circuit and a channel resource allocator. The failure detection circuit detects a failure in one of a plurality of overhead channel elements and generates a failure indication to the channel resource allocator. The channel resource allocator identifies the failed element and reconfigures an available traffic channel element to replace the failed overhead channel element. *Ji*, col. 3, ll. 13-31. In other words, what Ji actually teaches is failure recovery. Ji has nothing to do with configuring a switching fabric to selectively allocate call-processing resources to communicatively connect a wireless access terminal to a core network.

Ji evidences this fact in noting the separation of functionality between the base station controller (BSC) and the BTS. Specifically, Ji states that the BSC manages the resources in a cell site including those at the BTS. However, Ji locates the channel resource allocator and the failure detection circuitry at the BTS, not the BSC. *Ji*, col. 5, ln. 66 – col. 6, ln. 7. Thus, the BSC allocates whatever call-processing resources are needed to establish a connection with the mobile stations in Ji. The channel resource allocator and failure detection circuit simply monitors and analyzes the performance of the BTS resources, and replaces them as they fail.

2

The failure detection and recovery scheme of Ji does not teach or suggest a system controller that configures a switching fabric to selectively allocate call-processing resources to communicatively connect a wireless access terminal to a core network. Nor does the patent to Trotta, and the Examiner never asserts that it does. Therefore, neither reference teaches or suggests, alone or in combination, the system controller of claim 1.

In addition, the §103 rejection also fails for another reason. Particularly, the Examiner admits that Ji fails to teach the switching fabric of claim 1, but asserts that Trotta does. Trotta does disclose a system that uses an ATM switching fabric. However, the ATM switching fabric of Trotta has nothing to do with a base station controller system, and nothing to do with the selective allocation of resources from a plurality of resource pools that support call processing. Rather, Trotta discloses using the ATM switching fabric as a router to facilitate fast downloads of software images to remote network elements. *Trotta*, col. 5, ll. 53-58.

The Examiner asserts that one skilled in the art would be motivated to modify Ji with the switching fabric of Trotta "to direct ATM cells from one component to another." *Office Action*, pg. 3, ll. 5-9. Respectfully, the proffered motivation has no real meaning in the context of Ji.

Ji detects the failure of an overhead channel element in a BTS and selects an available traffic channel element for reassignment as a replacement for the failed overhead channel element. Having a redundant switch connection to the failed overhead channel element is not a helpful modification of Ji, as the selection of an available traffic channel element as a substitute for the failed overhead channel element would still be necessary.

In other words, modifying Ji to include a redundant switching connection, courtesy of Trotta, is meaningless to Ji. The fundamental operations in Ji are independent from, and not improved by, the argued-for addition of Trotta's switching fabric. Thus, no credible motivation-to-combine argument exists for modifying Ji according to Trotta.

Further, in addition to the lack of motivation to combine, it is wholly unclear how Trotta can be combined with Ji. The Examiner simply states that combining Trotta with Ji would allow

ATM switching between the "components." It is not clear if the Examiner is suggesting that Ji's channel elements are such "components." Ji's channel elements are individually assigned to support call flows, and they specifically process RF signals transmitted or received RF over a BTS air interface. It would seem that the Examiner proposes to alter these dedicated call flows and/or to alter the protocol and format of the signals being processed by Ji's channel elements, so that they are carried via an ATM-based transport according to Trotta. Whether that modification is practical, or even possible, is beside the point. It certainly would not be "obvious" within the legal meaning of that term. Neither Ji nor Trotta teaches or suggests, alone or in combination, claim 1. Accordingly, the § 103 rejection to claim 1 fails as a matter of law.
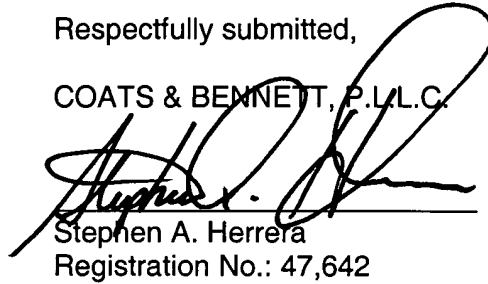
The Examiner also rejected claim 21 under 35 U.S.C. § 103(a) over Ji in view of Trotta. However, claim 21 is also directed to a base station controller and contains language similar to that of claim 1. Therefore, for the reasons stated above with respect to claim 1, the § 103 rejection to claim 21 fails.

The Examiner also rejected claim 9 under § 103(a) as being unpatentable over Ji in view of Marin. Claim 9 also calls out a system controller to allocate selected combinations of specific resources from one or more of a plurality of resource pools to provide desired call processing for calls to and from a plurality of wireless access terminals. For the reasons stated above, Ji fails to teach or suggest the system controller of claim 9. The Marin patent also fails to teach or suggest the requisite system controller, and the Examiner never asserts that it does. Rather, the Examiner cites Marin simply because it discloses a base unit arranged in a rack/subrack formation. Neither Ji nor Marin teach or suggest, alone or in combination, the system controller of claim 9. Therefore, the § 103 rejection of claim 9 fails.

In light of the above remarks, Applicant submits that all pending claims are patentable over the cited references. Accordingly, Applicant respectfully requests allowance of all pending claims.

Respectfully submitted,

COATS & BENNETT, P.LL.C.

Dated: August 17, 2005

Stephen A. Herrera
Registration No.: 47,642

P.O. Box 5
Raleigh, NC   27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084